

Mr. Koenig

Louisiana enacted a sampling statute in 2001, R.S.47:1541. Part of that statute requires a binding agreement before a sampling audit can begin. The draft being proposed by the Uniformity Committee does not require that an agreement be reached and allows the audit to proceed without one. This contradicts our law as it is currently written.

We were also careful to not use the word "statistical" in our legislation. This type of sampling implies the use of a statistician. Louisiana does not have a statistician on staff or retainer. A few of our audit specialist have had some training in statistical sampling, but not enough to qualify as an expert in court.

The draft as written, would limit us to a statistical sample when the records are substantially complete, but voluminous. While a perfect audit in this situation would be to use statistical formula, occasionally the taxpayer's records will not lend themselves to this and a non-statistical approach may be more appropriate. The regulation, as written, would bind us to "statistical" sampling methods and only allow us to use other sampling methods when the records are inadequate or insufficient.

If there are further questions, please let me know.

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